

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>JEFFREY HOLLAND, and</b>	)	
<b>BARBARA HOLLAND,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>8:04CV158</b>
	)	
<b>v.</b>	)	
	)	
<b>GLOCK, INC.,</b>	)	<b>ORDER</b>
	)	
<b>Defendant.</b>	)	
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Oral argument was held on June 2, 2005 on plaintiffs' Motion to Compel (#43). Matthew G. Miller appeared for the plaintiffs. Christopher Renzulli (via telephone) and Jerald L. Rauterkus appeared for the defendant. Based on the representations of counsel, and for the reasons stated on the record, I find that the motion to compel should be denied. I further find that the circumstances of this incident would make an award of expenses unjust and decline to award costs or fees to either party. *See* Fed. R. Civ. P. 37(a)(4)(B)

**IT IS SO ORDERED.**

**DATED June 2, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**